

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(609) 989-2040

CHAMBERS OF
TONIANNE J. BONGIOVANNI
UNITED STATES MAGISTRATE JUDGE

U.S. COURTHOUSE
402 E. STATE STREET, RM 6052
TRENTON, NJ 08608

August 15, 2012

LETTER ORDER

Re: Williams v. Trenton City Police Department, et al.
Civil Action No. 11-6352 (MAS)

Dear Counsel:

As you are aware, pending before the Court is Plaintiff's motion to amend his Complaint in order to add a new defendant, Detective Miles, as well as to add a new cause of action for wrongful arrest. Plaintiff seeks leave to amend pursuant to the liberal standards set forth in FED.R.CIV.P. ("Rule") 15(a)(2), which states that "[t]he court should freely give leave [to amend] when justice so requires." While Defendants initially objected to Plaintiff's proposed amendments, they have since withdrawn their objection, while explicitly reserving their right to challenge Plaintiff's initial and proposed Amended Complaint through a motion for summary judgment based on a violation of the applicable statute of limitations. (*See* Letter from Brooks DiDonato to Hon. Tonianne J. Bongiovanni, U.S.M.J. of 7/30/2012 at 1; Docket Entry No. 20).

Given that there is no objection to Plaintiff's proposed amendments, the Court shall permit Plaintiff to amend his Complaint to add Detective Miles as a defendant and to add a new cause of action for wrongful arrest. The Court finds that these amendments are warranted under the liberal amendment standards set forth in Rule 15(a)(2). In reaching this conclusion, the Court has not made

any factual or legal findings concerning whether any of Plaintiff's claims are barred by the applicable statute of limitations. Defendants have reserved the right to challenge Plaintiff's claims on that ground via dispositive motion practice and may do so when the appropriate time arises. Plaintiff is directed to file his Amended Complaint no later than **August 31, 2012**.

IT IS SO ORDERED.

**IT IS FURTHER ORDERED THAT THE CLERK OF THE COURT
TERMINATE THIS MOTION [DOCKET ENTRY NO. 18]
ACCORDINGLY.**

s/Tonianne J. Bongiovanni
TONIANNE J. BONGIOVANNI
United States Magistrate Judge